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10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

15 **MICHELE ANNETTE IRBY-DODT A.K.A.**  
16 **MICHELE ANNETTE IRBY**

16 6455 N. Bain Avenue  
Fresno, California 93722

17 Registered Nurse License No. RN 597658

18 Respondent.  
19

Case No. 2008-128

**ACCUSATION**

20 Ruth Ann Terry, M.P.H, R.N ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the  
23 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
24 Affairs.

25 **License History**

26 2. On or about April 9, 2002, the Board issued Registered Nurse License  
27 Number RN 597658 ("license") to Michele Annette Irby-Dodt a.k.a. Michele Annette Irby  
28 ("Respondent"). The license will expire on June 30, 2009, unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 2761 states, in pertinent part:

(a) Unprofessional conduct, . . .

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or the extent that such

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1 use impairs his or her ability to conduct with safety to the public  
2 the practice authorized by his or her license.

3 . . . .

4 (e) Falsify, or make grossly incorrect, grossly inconsistent, or  
5 unintelligible entries in any hospital, patient, or other record pertaining to  
6 the substances described in subdivision (a) of this section.

7 8. Health and Safety Code Section 11173, subdivision (a), provides that no  
8 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure  
9 the administration of or prescription for controlled substances, (1) by fraud, deceit,  
10 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

### 11 COST RECOVERY

12 9. Code section 125.3 provides, in pertinent part, that the Board may request  
13 the administrative law judge to direct a licensee found to have committed a violation or  
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
15 and enforcement of the case.

### 16 10. DRUG

17 "Demerol," a brand name for Meperidine, is a Schedule II controlled substance as  
18 designated by Health and Safety Code section 11055, subdivision (c)(17).

### 19 FIRST CAUSE FOR DISCIPLINE

#### 20 (Obtained, and Self-Administered a Controlled Substance)

21 11. Respondent is subject to disciplinary action under Code section 2761,  
22 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,  
23 subdivision (a), in that while licensed and employed as a registered nurse at Kaiser Permanente  
24 Hospital in Fresno, California, Respondent committed the following acts:

25 a. On November 1, 2002, and November 2, 2002, Respondent obtained an  
26 unknown quantity of Demerol, a controlled substance, by fraud, deceit, misrepresentation or  
27 subterfuge, or by a concealment of material fact, by obtaining the drug from hospital supplies for  
28 her own personal use, in violation of Health and Safety Code section 11173, subdivision (a)

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b. Respondent self-administered an unknown quantity of Demerol, a controlled substance, without lawful direction.

## **SECOND CAUSE FOR DISCIPLINE**

### **(Incorrect and/or Inconsistent Entries in Hospital and/or Patient Records)**

12. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (e), in that between November 1, 2002, and November 2, 2002, while on duty as a registered nurse at Kaiser Permanente Hospital, in Fresno, California, Respondent made grossly incorrect or grossly inconsistent entries in hospital and/or patient records in the following respects:

#### **Patient 1**

a. On November 1, 2002, at 0725 hours, Respondent withdrew two 50 mg/1 ml. ampules of Meperidine, a controlled substance, from the Pyxis<sup>1</sup> machine without a physician's order therefor. Respondent failed to chart the administration or wastage or otherwise account for the disposition of the two 50 mg/1 ml. ampules of Meperidine in any patient or hospital record

#### **Patient 2**

b. On November 1, 2002, at 2349 hours, Respondent withdrew one 100 mg/1 ml. ampule of Meperidine, a controlled substance, from the Pyxis machine without a physician's order therefor. Respondent failed to chart the administration or wastage or otherwise account for the disposition of the one 100 mg/1 ml. ampule of Meperidine in any patient or hospital record

c. On November 2, 2002, at 0202 hours, Respondent withdrew one 100 mg/1 ml. ampule of Meperidine, a controlled substance, from the Pyxis machine without a

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1. Pyxis is a trade name for the automated single-unit dose medication dispensing system that records information, including the patient name, physician orders, date and time the medication was withdrawn, and the name of the individual who withdrew the drug.

1 physician's order therefor. Respondent failed to chart the administration or wastage or otherwise  
2 account for the disposition of the one 100 mg/1 ml. ampule of Meperidine in any patient or  
3 hospital record.

4 d. On November 2, 2002, at 0246 hours, Respondent withdrew one  
5 100 mg/1 ml. ampule of Meperidine, a controlled substance, from the Pyxis machine without a  
6 physician's order therefor. Respondent failed to chart the administration or wastage or otherwise  
7 account for the disposition of the one 100 mg/1 ml. ampule of Meperidine in any patient or  
8 hospital record.

9 **PRAYER**

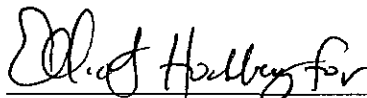
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
11 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

12 1. Revoking or suspending Registered Nurse Number License RN 597658  
13 issued to Michele Annette Irby-Dodt a.k.a. Michele Annette Irby;

14 2. Ordering Michele Annette Irby-Dodt a.k.a. Michele Annette Irby to pay  
15 the Board the reasonable costs of the investigation and enforcement of this case pursuant to Code  
16 section 125.3; and,

17 3. Taking such other and further action as deemed necessary and proper.  
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19 DATED: 10/10/07

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22 RUTH ANN TERRY, M.P.H., R.N.  
23 Executive Officer  
24 Board of Registered Nursing  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant  
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